THE HON'BLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION No.23938 of 1998

Date: 05.07.2006

Between:

Sk. Khaja Mohiddin

… PETITIONER

AND

Government of A.P., rep., by its
Secretary, Prohibition & Excise Dept.,
Secretariat, Hyderabad & others.

… RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner and also the learned Government Pleader for Excise.

The only question involved in this writ petition is as to the liability of the petitioner in regard to the difference of amount, which the Government has sustained as a result of the re-auction conducted.

The learned counsel appearing for the petitioner submits that in fact, having regard to the re-auction, the petitioner is entitled for the amount earlier deposited by him. He further submits that the petitioner has filed written representation to the authorities concerned in this regard and the same is still pending for orders.

Learned Government Pleader submits that due to the re-auction, the Government sustained loss of Rs.7,39,900/- and hence the petitioner is liable to pay the same.

During the course of arguments, learned counsel for the petitioner submits that in the similar circumstances, this Court has already set aside the impugned demand notice in WP.No.23939 of 1998 dated 30.08.2001 in respect of other shop No.2 belonging to the petitioner therein. Therefore, in the circumstances, the present demand notice would also require to be quashed.

It is seen from the record that admittedly the petitioner has submitted a written representation and the same is still pending without passing any orders. Having regard to the same, instead of going into the merits of the case at this stage, it is suffice in the interest of justice to direct the respondent No.2 herein to consider the said representation and pass orders in accordance with law.

The writ petition is accordingly disposed of. No order as to costs.

Petitioner is permitted to file another copy of the representation along with a copy of this order and on receipt of the same the 2nd respondent shall dispose of the said representation within a period of one month from the date of receipt of a copy of this order.

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B. PRAKASH RAO, J

Date: 05.07.2006
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